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ADAP? COMMENTS TO
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Bob Peck
cc/oe Shea

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS MEMORANDUM
COMSECY-01-0030 - GUIDANCE TO THE STAFF ON RELEASE
OF INFORMATION TO THE PUBLIC

Attached is the staff requirements memorandum on COMSECY-01-0030. The SRM will be issued to the staff by COB Tuesday, January 8, 2002, unless I hear otherwise.

The attached SRM and the subject COMSECY contain **sensitive information** and they will not be released to the public.

Attachment:
As stated

cc: EDO
OGC

Get OGD COMMENTS
Implications for web page?
highlight COMMENTS to SECY

B-112

MEMORANDUM TO: William D. Travers
 Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS - COMSECY-01-0030 - GUIDANCE TO
 THE STAFF ON RELEASE OF INFORMATION TO THE PUBLIC

The Commission has disapproved the criteria presented in COMSECY-01-0030. The staff should revise the criteria as discussed below and provide the revised criteria for Commission approval.

(EDO)

(SECY Suspense: 3/1/02)

General Comments

1. Information should be considered for withholding only if the release of the information could provide a clear and significant benefit to a terrorist in a potential attack. There needs to be a clear nexus to aiding a potential terrorist in any information we withhold, and that information has to be information that only we and our licensees control. Information of a general nature or that is of marginal relevance should not be withheld.
- * 2. The NRC should not withhold information that is already currently widely available to the public.
3. Any decision to withhold information should be guided by a balancing of the costs and benefits of withholding.
4. Any withholding of information should be narrow.
5. Alternative means should be provided for the release of relevant information on important public subjects in a fashion that would not provide significant assistance to a terrorist. The staff should be prepared to redact details or to rewrite important documents to eliminate sensitive information.
6. The staff should develop a process that will involve management review of withholding decisions so as to ensure that the principles are applied in a sensible and uniform manner and will indicate who will be the final decision maker if there is a difference of opinion as to whether something should be released to the public. The guidance should

could be inconsistent

clarity

delet

through what filter?

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(will be developing guidance
- already marked by licensee
- follow existing model

advise the staff to screen all incoming and outgoing documents for sensitivity for security reasons. Similarly, guidance should be developed as to how information that meets the stringent limits for non-disclosure is to be handled and protected. The staff should also develop a process for licensees to use to identify and submit documents that contain information that the staff would not release to the public under the guidelines.

already done now

7. The staff needs to determine the repercussions of withholding entire documents. Among its considerations, the staff should question whether release is required by law or regulation, or needed to meet our strategic goals, including efficiently communicating with and informing the public, other stakeholders, States, Tribal or local communities.
8. In attempting to limit release of sensitive information, the staff should be cautioned to avoid providing information to one group of interested stakeholders, and not providing it to other interested stakeholders.
9. There should be some means of quality control, such as review by those responsible for actually placing information in the PDR or on the WEB, to assure consistent application of these criteria.
10. The guidance needs to be specific enough to identify broad categories to be withheld even if it must remain general enough to allow some judgement on individual documents. Several of the proposed criteria are overly broad and could block release of information that simply should not be withheld.

urgent controls

make our own quality control offices should be reviewing

offices need to ID

Criterion 1

11. Although it is possible that Emergency Plans might include information of interest to a terrorist, the need for such information by the public may require that it continue to be publicly accessible. Access to this type of information should not be unnecessarily restricted and Emergency Plan information that is restricted should be specifically justified and possibly reclassified as safeguards information. ?
12. Rather than withholding an entire Final Safety Analysis Report, it may be appropriate to hold back only certain sections containing information meeting the high threshold for withholding.
13. The Commission is opposed to withholding physical protection and emergency planning performance indicators or inspection findings (except of course for the backup information on physical protection inspection findings which is safeguards information). Specifically, adverse OSRE findings that are promptly corrected, and a color finding in an OSRE, posted months after the OSRE, will make no plant more likely to be targeted.
14. This could be revised along the lines of "Plant-specific information, entirely in NRC's and our licensees' control, that would clearly aid in planning an assault on a facility. An example might be drawings depicting the location of vital equipment within plant buildings."

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Criterion 2

15. There is no point in withholding information as to the specific location of a facility because this information is already widely known and is readily available from non-NRC sources. Attempting to withhold information that is known to the public would serve no purpose other than to breed suspicion.
16. There is no reason to avoid holding public meetings at licensee sites or to avoid posting precise site addresses on the public meeting web site.

Criterion 3

17. The lead-in language is overly broad. This could be rewritten as "Physical vulnerabilities or weaknesses of nuclear facilities which would clearly be useful to terrorists, such as site specific security measures, access controls, or personnel clearance procedures.

Criterion 5

18. This should be revised by changing "could" to "clearly would", and "any" to "key."

Criterion 6

19. Information such as to the quantities of nuclear material that are authorized to be possessed may be used for legitimate purposes and at the same time be of no use to a terrorist. For example, information concerning the types and quantities of material at a SDMP site may be of interest to the public, but pose no security concerns. Access to this type of information should not be unnecessarily restricted.
20. The amount of radioactive material authorized to a licensee is docketed information and generally appears on the license as a possession limit for most materials licensees. For nuclear power plants, one can calculate approximately how much material is in the reactor core and spent fuel pools.
21. The amount of HEU present at category 1 fuel cycle facilities should already be classified information.

New Criterion

22. Information in any type of document (e.g., plant status report, press release) that provides the current status or configuration of systems and equipment that could be used to determine facility vulnerabilities if used by an adversary. This does not include general conditions such as 100 percent power or shutdown.

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OGC
CFO
OCA
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OPA

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